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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,322	03/09/2000	Scott Faber	004704.P002	2806

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/522,322

Applicant(s)

FABER ET AL.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 08 May 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed May 8, 2003.

No claims have been amended.

Claims 1-56 are pending.

2. The objection to the specification is maintained because the Examiner has not received the substitute specification that Applicant submitted. Please resubmit this substitute specification.

The previously pending drawing objections are withdrawn in response to Applicant's amendment of the specification and submission of proposed drawing corrections, which have been approved.

Response to Arguments

3. Applicant's arguments filed May 8, 2003 have been fully considered but they are not persuasive.

Applicant's sole argument relies on the assertion that Lauffer (U.S. Patent No. 6,223,165 B1) is disqualified as a reference because Lauffer is assigned to Keen.com, which is the assignee of the present application (page 15 of Applicant's response). Examiner respectfully reminds the Applicant that in order to exclude a reference under 35 U.S.C. 103(c), Applicant must supply evidence of common ownership, or an obligation of assignment to the same person, at the time the invention was made.

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Applicant fails to provide such evidence showing common ownership at the time the invention was made; therefore, Lauffer is not excluded as prior art under 35 U.S.C. 103(c).

Accordingly, the pending art rejection is maintained.

Specification

4. The specification is objected to because the top margins are too small, thereby causing holes to be punched through the first line of each page upon entry into the file jacket. Please resubmit a substitute specification with the proper margins.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lauffer (U.S. Patent No. 6,223,165 B1) in view of answers.com, as disclosed in "Applying Technology News."

Lauffer discloses a system for delivering information, the system comprising:

[Claim 1] a communications interface (claim 1); and

a controller computer being linked with the communications interface (claim 1),
the controller computer having:

a server to display information provided by an information provider (claim 1);

a first logic unit linked with the server to establish via the communications interface a first communication connection with the information provider over which the information provider communicates the information (claim 1); and

a second logic unit linked with the server to establish, in response to a user selecting to receive the information and via the communications interface, a second communications connection with the user and to deliver the information via the second communications connection to the user (claim 1);

[Claim 2] wherein the server further stores a description of the expertise of each information provider (col. 6, lines 30-67; claim 1);

[Claim 3] wherein the controller computer further has a third logic unit linked with the server to establish a computer connection with an information provider computer and to receive via the computer connection the description from the information provider (col. 5, lines 23-30; col. 6, lines 30-67);

[Claim 4] wherein the computer connection is established through a web site accessible by the information provider computer (col. 5, lines 23-30; col. 6, lines 30-67; col. 9, lines 5-20);

[Claim 5] wherein the controller computer further has a third logic unit linked with the server to establish a computer connection with a user computer and to deliver the description to the user computer via the computer connection (col. 5, lines 23-30; col. 6, lines 30-67; col. 9, lines 5-20);

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[Claim 6] wherein the computer connection is established through a web site accessible by the user computer (col. 5, lines 23-30; col. 6, lines 30-67; col. 9, lines 5-20);

[Claim 7] wherein the description includes a price for the information (col. 5, lines 23-30; col. 6, lines 30-67; col. 9, lines 5-20; claim 1);

[Claim 8] wherein the price includes a rate per period of time (col. 5, lines 23-30; col. 6, lines 30-67; col. 9, lines 5-20; claims 1, 14-19);

[Claim 9] wherein the first communications connection includes an audio connection (col. 9, lines 5-20; claim 1);

[Claim 10] wherein the first communications connection includes a video connection (col. 9, lines 5-20);

[Claim 11] wherein the first communications connection is established over a computer network (col. 9, lines 5-20; claim 1);

[Claim 12] wherein the first communications connection is established over a telephone network (col. 9, lines 5-20; claim 1);

[Claim 13] wherein the second communications connection includes an audio connection (col. 9, lines 5-20; claim 1);

[Claim 14] wherein the second communications connection includes a video connection (col. 9, lines 5-20);

[Claim 15] wherein the second communications connection is established over a computer network (col. 9, lines 5-20; claim 1);

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[Claim 16] wherein the second communications connection is established over a telephone network (col. 9, lines 5-20; claim 1);

[Claim 17] wherein the controller computer has a third logic unit to bill the use for the information (claims 1, 14-19);

[Claim 18] wherein the controller computer has a fourth logic unit to track how long the information is delivered to the user and the third logic unit bills the user based upon how long the information is delivered (claims 1, 14-19);

[Claim 19] wherein the database further stores information about a user account (claims 1, 14-19);

[Claim 20] wherein the controller computer has a third logic unit to deduct an amount from the user account for the information (claims 1, 14-19);

[Claim 21] wherein the controller computer has a third logic unit to track how long the information is delivered to the user and a fourth logic unit to deduct from the user account an amount based upon how long the information is delivered (claims 1, 14-19);

[Claim 22] wherein the server further stores information about an account set up for the information provider (col. 8, lines 25-53; claims 1, 14-19);

[Claim 23] wherein the controller computer has a third logic unit to credit an amount to the account when the information is delivered to the user (claims 1, 14-19);

[Claim 24] wherein the controller computer has a third logic unit to track how long the information is delivered to the user and a fourth logic unit to credit to the account an amount based upon how long the information is delivered (claims 1, 14-19);

[Claim 25] wherein the controller computer has a third logic unit to track how long the information is delivered to the user and a fourth logic unit to credit to the account an amount based upon how long the information is delivered minus a fee (col. 8, lines 25-53; claims 1, 14-19).

As per claims 1-25, Lauffer's server facilitates a connection between customers and experts who can provide them with desired information (e.g., knowledge from the live experts); however, Lauffer's information is "live" knowledge as opposed to the claimed information recorded and stored in a database. Answers.com makes up for this deficiency in its teaching of an information broker that "uses a combination of published information, proprietary databases, and electronic data from qualified people who provide their own personal knowledge" ("Applying Technology News": ¶ 3) to provide paying customers with answers to their submitted inquiries ("Applying Technology News": ¶ 2). Answers.com meets the similar information needs met by Lauffer, albeit in a more delayed fashion that enables more research to be conducted when needed to answer a difficult question. Lauffer lays the framework for quickly and automatically supplying similarly requested information in a telephonic/computer network; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to utilize Lauffer's framework to supply customers with desired information from a database (as opposed to a live expert source) in order to attract a wider base of customers, such as those who need complex information that

requires more research to be conducted in order to glean a more thorough and accurate response.

[Claims 26-40] Claims 26-40 recite limitations already addressed by the rejection of claims 1-25 above; therefore, the same rejection applies.

Furthermore, as per claims 30-32, Lauffer teaches that a customer can perform a keyword search or select a pertinent category to identify experts (from a list of experts) that are best qualified to answer his/her question (col. 5, lines 3-8, 59-65; col. 7, lines 8-40). The discussion of the teachings of Lauffer in combination with those of answers.com presented above applies to claims 30-32 as well.

[Claims 41-56] Claims 41-56 recite limitations already addressed by the rejection of claims 1-40 above; therefore, the same rejection applies.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:


**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687	[Official communications; including After Final communications labeled "Box AF"]
(703)746-7048	[Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.


Susanna M. Diaz
Patent Examiner
Art Unit 3623
May 24, 2003


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600